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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,726	03/30/2005	Terumasa Hoshino	123150	8996
25944 7590 04/05/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER HA, NGUYEN Q	
			ART UNIT 2854	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/529,726

Applicant(s)

HOSHINO ET AL.

Examiner

'Wynn' Q. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 8 is/are allowed.
- 6) ☐ Claim(s) 1-5,7,9-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 February 2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US 4,915,229).

Yamada teaches the following:

Claim 1: A sheet package 14 (See fig. 8) which can be loaded in a sheet storage unit of a printer 30 (See fig. 4), comprising:

a stack of sheets F as print media for the printer 30; and a package member 14 covering the exterior of the stack of sheets F, wherein:

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the package member includes a first portion 22 covering one of upper and lower faces of the stack of sheets F, a second portion 20 connecting with the first portion 22 and covering a side face of the stack of sheets F, and a third portion 18 connecting with the second portion 20 and covering the other of the upper and lower faces of the stack of sheets F, and

the first portion 22 of the package member 14 includes a first exposing portion exposing part of the stack of sheets to allow entrance of a sheet feed roller (or other feed means) of the printer (See further illustration on page 4 of this Office action), and

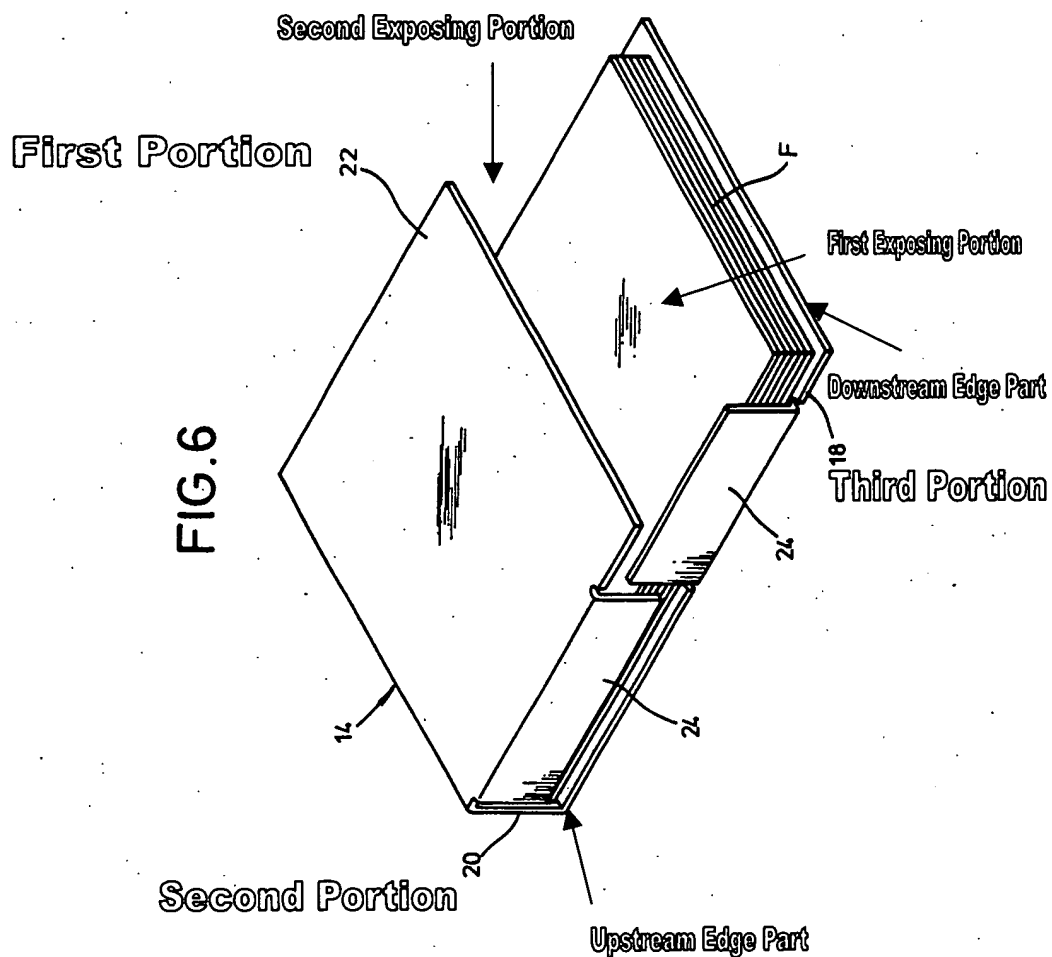
the package member includes a second exposing portion exposing a side part of the stack of sheets F facing a pressing member provided to a side wall of the sheet storage unit of the printer parallel to a sheet feed direction so that the pressing member can press the stack of sheets F against a positioning portion provided to the opposite side wall of the sheet storage unit parallel to the sheet feed direction, wherein the first portion 22 and the third portion 18 are only connected by the second portion 20 that faces only the side face of the stack of sheets.

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Apr. 10, 1990

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Claim 2: The second portion 20 covers a side face of the stack of sheets F on an upstream side in the sheet feed direction.

Claim 3: The sheets F are heat-sensitive sheets ("Film F" are heat-sensitive sheets used in photo developing, thermal printing, etc.).

Claim 4: A part of the package member 14 covering the exterior of the stack of sheets F consists of the first portion 22, the second portion 20 and the third portion 18.

Claim 5: Lengths of the first portion 22 and the third portion 18 of the package member 14 in a direction orthogonal to the sheet feed direction are equal to a length of the sheet F in the direction orthogonal to the sheet feed direction (as shown in other embodiments of figs. 8 & 9).

Claim 7: Yamada teaches all that is claimed (as this claim contains subject matters parallel to those discussed in claim 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Prenn (US 6,598,795 B1).

Claim 9: As discussed in claim 1, Yamada teaches a sheet package which can be loaded in a sheet storage unit of a printer, comprising: a stack of sheets as print media for the printer; and a package member covering the exterior of the stack of sheets, wherein: the package member includes a first portion covering one of upper and lower faces of the stack of sheets, a second portion connecting with the first portion and covering a side face of the stack of sheets on an upstream side in a sheet feed direction, and a third portion connecting with the second portion and covering the other of the upper and lower faces of the stack of sheets.

Yamada also teaches the third portion 18 has edge parts on its upstream side and downstream side in the sheet feed direction, the edge parts being configured to make contact with inner surfaces of the sheet storage unit 38 (fig. 4) on its upstream side and downstream side in the sheet feed direction respectively when the sheet package 14 is loaded in the sheet storage unit 38, and the package member 14 is positioned in the sheet feed direction by the contact of the edge parts of the third portion 18 with the inner surfaces of the sheet storage unit 38, wherein the first portion 22 and the third portion 18 are only connected by the second portion 20 that faces only the side face of the stack of sheets F (See further illustration on page 4 of this Office action).

Yamada, however, does not teach the first portion 22 of the package member includes an identification part readable to a sensor unit of the printer and a configuration allowing entrance of a sheet feed roller of the printer.

Prenn teaches a sheet package 15 which can be loaded in as sheet storage unit of a printer 10, comprising a stack of sheets 13 as print media for the printer 10; and a package member covering including an identification part 63 readable to a sensor unit of the printer 10 and a configuration allowing entrance of a sheet feed roller of the printer 10, to automatically determine the type of media, and its characteristics and its attributes, loaded in a media tray. The identification part 63 may be located anywhere on the outside surface of the package 15 (See Abstract & col. 5 lines 5-15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Yamada sheet package 14 with an identification part readable to a sensor unit of the printer and a configuration allowing entrance of a sheet feed roller of the printer to automatically determine the type of media, and its characteristics and its attributes, loaded in a media tray, as taught by Prenn.

Claim 10: Yamada in view of Prenn teaches all that is claimed, including the first portion 22 is formed to be shorter than the third portion 18 in the sheet feed direction in order to allow the entrance of the sheet feed roller (or other feed means).

Claim 11: Yamada in view of Prenn teaches all that is claimed, including a difference between a distance between the inner surfaces of the sheet storage unit 38

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on the upstream side and downstream side in the sheet feed direction and a dimension of the third portion 18 in the sheet feed direction is within 1.0 mm (fig. 4 shows the inner surface of the sheet storage unit 38 in contact with the upstream edge part and downstream edge part of the third portion 18, or the gaps between them are within 1.0mm).

Claim 12: Yamada in view of Prenn teaches all that is claimed, including the second portion 20 of the package member 14 covers a side face of the stack of sheets on the upstream side in the sheet feed direction.

Claim 14: Yamada in view of Prenn teaches all that is claimed, including the first portion 22, the second portion 20 and the third portion 18 of the package member are formed integrally.

Claim 15: Yamada in view of Prenn teaches all that is claimed (as this claim contains subject matters parallel to those discussed in claim 9).

Claim 16 is rejected under 35 U.S.C. 104(a) as being unpatentable over Suzuki (US 6,563,525 B2) in view of Yamada and Prenn.

Suzuki teaches, as shown in fig. 1, a printer comprising a sheet package 2 including a stack of sheets P as print media and a package member covering the exterior of the stack of sheets P; a sheet storage unit in which the sheet package 2 is

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loaded (See fig. 5); and a sheet feed roller provided to the bottom of the sheet storage unit for feeding the stacked sheets one by one.

Suzuki, however, does not teach a sensor unit provided to a bottom of the sheet storage unit for identifying the type of the sheets stored in the sheet package, the package member includes a first portion covering one of upper and lower faces of the stack of sheets, a second portion connecting with the first portion and covering a side face of the stack of sheets on an upstream side in a sheet feed direction, and a third portion connecting with the second portion and covering the other of the upper and lower faces of the stack of sheets, and the first portion includes an identification part readable to the sensor unit and a configuration allowing entrance of the sheet feed roller, and the third portion has edge parts on its upstream side and downstream side in the sheet feed direction, the edge parts being configured to make contact with inner surfaces of the sheet storage unit on its upstream side and downstream side in the sheet feed direction respectively when the sheet package is loaded in the sheet storage unit, and the package member is positioned in the sheet feed direction by the contact of the edge parts of the third portion with the inner surfaces of the sheet storage unit.

Yamada in view of Prenn, as discussed in claim 9, teaches the sheet package having all the structure being claimed, and that the sheet package is capable of being used in a printer (Yamada col. 1 lines 11-12). The sheet package is used to smoothly deliver the sheet to the printer (Yamada col. 3 lines 35-40). Any printer that can accommodate the sheet package is considered to be capable of using the sheet package, regardless of the orientation of the sheet package (i.e. the sheet package may

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be placed in a particular printer in a position or location different than another position or location where the sheet package is placed in another printer). *In re Gazda*, 219 F.2d 449, 452, 104 USPQ 400, 402 (CCPA 1955) address this type of obviousness, viz., reversing parts. *In re Japikse*, 181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1950) addresses this type of difference being obvious, viz., shifting location of parts.

Prenn teaches a sensor unit 81 installed in a printer location corresponding to the location of the identification part 63 for identifying the type of the sheets stored in the sheet package (col. 5 lines 27-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have Suzuki printer comprise (or use) Yamada and Prenn sheet package and a sensor for the identification part, in order to smoothly deliver the sheet to the printer and to identify the type of the sheets stored in the sheet package, as taught by Yamada and Prenn.

Allowable Subject Matter

4. **Claims 6 and 8** allowed, as stated in the Office action of 27 November 2006.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The total combination of structure, as claimed, including the second portion of the package member covers a side face of the stack of

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sheets extending in the sheet feed direction, is not taught or suggested by the prior art of record.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 7, 9 and 15, filed on 27 February 2007, have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 16 have also been considered but they are not persuasive, as discussed in the rejection of claim 16 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 'Wynn' Q. HA whose telephone number is 571-272-2863. The examiner can normally be reached on Monday - Friday, from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH



Daniel J. Colilla
Primary Examiner
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